

RECEIVED
CENTRAL FAX CENTER

REMARKS

AUG 29 2006

The above-identified application is United States application serial number 10/697,820 filed on October 29, 2003. Claims 1-32 are pending in the application. Claims 1-32 are rejected.

Rejection of Claims under 35 U.S.C. §101

Claims 1, 9, 17, 22 and 28 are rejected because the claimed invention is not supported by either an asserted or a well-established utility. The claims lack of patentable utility. Applicants have amended the claims as suggested by the Examiner to explicitly include the act of destaging the transfer.

Rejection of Claims under 35 U.S.C. §112

Claims 1, 9, 17, 22 and 28 are rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either an asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention. Applicants have amended the claims as suggested by the Examiner to explicitly include the act of destaging the transfer.

Claims 1, 9, 17, 22 and 28 are rejected under 35 U.S.C. 112, second paragraph. The claim is generally narrative and indefinite. Applicants have amended the claims as suggested by the Examiner to explicitly identify actions performed and functionality rather than mere capability.

Rejection of Claims under 35 U.S.C. §103

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baird: Oracle 8i Data Guard Concepts, Administration, and Installation Guide, Release 3.0, October 2001, Oracle® (hereafter "OraDgd") in view of Bobrowski et al.: Oracle 7™ Server Concepts, Release 7.3, February 1996, Oracle® (hereafter "Ora734"). Applicants traverse the rejections of all claims.

Claims 1-8 distinguish over the cited references which do not disclose "a database application that transfers a logical object in multiple fragments; . . . a main protocol . . .

adapted to transfer the logical object in multiple fragments in combination with information indicative of logical object fragment commencement and completion; and . . . a remote protocol executable on the remote storage site and adapted to control the cache sidefile to cache the multiple fragments as received and to destage the logical object to the storage on receipt of all fragments." The Oracle Data Guard does not transmit the "logical object in multiple fragments" but instead transmits a "redo log", a single entity that records all changes made to datafiles on a primary database, to a "standby database". The standby database is initially created from a backup copy of the primary database and, once created, automatically maintains the standby database as a transactionally consistent copy of the primary database by transmitting primary database redo data to the standby system and then applying the redo logs to the standby database. Oracle Data Guard also does not disclose "the remote storage site including a storage and a cache sidefile divided into a plurality of array sidefile recordsets." Oracle Data Guard forms the "redo log" at the primary and does not cache transferred information at the standby database.

On page 5 of the Office action dated June 7, 2006, the Examiner describes the teaching of Oracle Data Guard as follows: "However, Ora734, at Pages 22-17 and 24-15, teaches log writer writing commit record immediately into redo log buffer where *atomic write* of a database transaction record is assigned with an entry number, the system change number and *each redo log file includes a plurality of transaction records.*" The redo log is formed as a single "atomic write" at the primary. The redo log is sent as a single entity to the standby database which implements all transactions. Thus, in Oracle Data Guard, the consolidation of information into the redo log takes place at the source or primary. In contrast, the applicants describe and claim that the multiple data fragments of a logical object are sent from the main storage site to the remote storage site, along with information identifying the start and end of the multiple data fragments. The remote storage site caches the data fragments and implements the cached fragments only upon receipt of the identification of the end fragment. Thus, in the claimed system, consolidation of information into the queue takes place at the destination or remote storage site.

Similarly Claims 9-16 distinguish over Oracle Data Guard which does not disclose "code configured to cause the controller to create and deploy the logical object in multiple fragments in combination with control information indicative of logical object fragment commencement and completion."

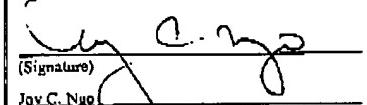
Claims 17-21 distinguish over Oracle Data Guard which does not disclose "a code executable at the remote storage site configured to cause the controller to receive the logical object in multiple fragment transfers in combination with control information indicative of logical object fragment commencement and completion . . . cache the multiple fragments as received and to destage the logical object to the storage on receipt of all fragments."

Claims 22-27 distinguish over Oracle Data Guard which does not disclose "receiving the logical object in multiple fragment transfers in combination with control information indicative of logical object fragment commencement and completion, . . . caching the multiple fragments at the remote storage site as received; and destaging the logical object at the remote storage site to the storage on receipt of all fragments."

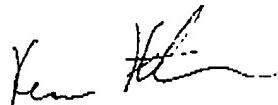
Claims 28-32 distinguish over Oracle Data Guard which does not disclose "deploying from the main storage site the logical object in multiple fragments in combination with control information indicative of logical object fragment commencement and completion . . . and destaging at the remote storage site the logical object to the storage on receipt of all fragments."

CONCLUSION

The application, including all remaining Claims 1-32, is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned at (949) 251-0250.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Central Number at (571) 273-8300 on the date shown below:

(Signature)
Jay C. Nye
(Printed Name of Person Signing Certificate)
August 29, 2006
(Date)

Respectfully submitted,



Ken J. Koestner
Attorney for Applicant(s)
Reg. No. 33,004